

No. 11(112)-3Lab.-79/700.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Industrial Cables (India) Ltd., KilaZafargarh, Jind:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Complaint No. 61 of 1978, u/s 33-A of the Industrial Disputes Act, 1947.

between

SHRI BRAHAMA NAND, WORKMAN AND THE MANAGEMENT OF M/S. INDUSTRIAL CABLES (INDIA) LTD., KILAŻAFARGARH, JIND.

AWARD

The workman made this complaint under section 33-A of the Act alleging contravention of the 33 on the part of the management. Notice of the complaint was given to the management who appeared. The parties filed their pleadings. The following issues were framed on 5th October, 1978:—

- (1) Whether the complaint has been made within the scope of section 33-A of the Industrial Disputes Act ?
- (2) Whether the management have contravened the provisions of section 33 ?
- (3) To what relief is he entitled ?

And the case was fixed for the evidence of the workman. The workman examined himself who stated that a reference involving the demand of bonus was pending before the Tribunal and the management terminated the services of the complainant simplicitor who proved Ex. W-1, W-2 the letter of appointment. He had performed his duty in this factory for five months and a strike had taken place in the factory, he had participated in the strike and had played an active role. He was victimised for trade union activities, although his work was satisfactory. No charges were levelled against him. He admitted Ex. M-1 and M-2. Then the case was fixed for the evidence of the management respondent. The representative for the workman prayed for a direction to the management to produce their despatch register which was given. The workman also admitted Ex. M-3. Ex. M-4 are the standing orders of the

management. The management closed their case. Then the case was fixed for arguments. Arguments were heard.

Ex. W-1 is a letter from the management respondent to the complainant workman that during the probationary period the work of the complaint was not found to the mark and the termination of his services was ordered under clause 2 of the terms and conditions of the appointment order. Ex. W-2 is appointment letter of the workman which is dated 20th September, 1977, appointing the workman as probationer for six months. Ex. M-1 is application of the complainant workman for appointment. Ex. M-2 is the same as Ex. W-2. Ex. M-4 are standing orders. Ex. M-3 is letter of termination of the workman with effect from 28th February, 1978. The management have proved their case. The workman was merely a probationer for six months. His work was unsatisfactory and his services could be terminated at any time without assigning any reason as per clause 2 of the appointment letter. The work of the complainant workman was not to the mark during his probationary period, and therefore, his services were terminated simplicitor. According to clause 21(b), no notice was necessary for the termination of services of the complainant. Moreover by termination simplicitor, there is no contravention for section 33 of the Industrial Disputes Act. Section 33 of the Industrial Disputes Act applies only when the workman is dismissed for misconduct connected with the dispute and therefore, the complaint under section 33-A does not lie. The complaint is, therefore, dismissed. No orders as to costs.

Dated the 27th December, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 1245, dated 31st December, 1979.

Forwarded, (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.